

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Edward J. Petrus

Serial No. 09/444,660

Filed: November 22, 1999

For: Dietary Supplement Selector and Method

Examiner: Rachel L. Porter

Group Art Unit: 2166

#27/
Response
After
Board
Decision
L. Ellis
10/13/04

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

RESPONSE TO THE DECISION ON APPEAL

In response to the decision of the Board of Patent Appeals mailed on July 21, 2004, please amend the claims as follows:

Claim Amendments:

1. (Currently amended) A method/process of creating a dietary supplement profile for an individual comprising:

- a) completing a health questionnaire by an individual,
- b) comparing of the questionnaire information by an individual to ~~an optimal~~ a health profile for a person of the individual's age and health history background in a computer data base,
- c) ~~adjusting comparing~~ comparing for differences in the individual's health information ~~when compared to an optimal health profile to standardized profiles based on age, sex, physical activity, dietary habits, past medical history and other items covered in the questionnaire to achieve optimal health and wellness.~~

d) generating a computer-implemented dietary supplement profile based on the individual's health information listing the vitamins, minerals, amino acids, enzymes, and herbs and other nutritional supplements suggested for an to achieve optimal health profile and wellness.

2. (Currently amended) The method/process of creating a dietary supplement profile of claim 1, wherein step (b) comprises comparing the questionnaire information by the individual and information provided by a physical examination to a health profile for a person of

EDWARD J. PETRUS, M.D.

P.O. BOX 28204

AUSTIN, TEXAS 78755-8204

TEL: (512) 454-6500

FAX: (512) 453-0066

E-MAIL: DRPETRUS@NOBELLABS.COM

WWW.NOBELLABS.COM

DATE: 8/11/04

NO. OF PAGES (including cover) 7

TO: BOARD OF PATENT APPEALS FROM:

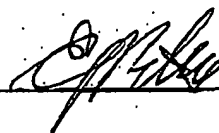
FAX NO. 203-308-6199

MESSAGE: APPEAL No. 2003-2002 (APPL No. 09/444,660)

ATTACHMENT IS MY RESPONSE TO THE DECISION OF THE

BOARD OF PATENT APPEALS. THE CLAIMS HAVE BEEN

AMENDED TO OVERCOME THE NEW REJECTION.



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